

**ASSEMBLY BILL**

**No. 997**

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**Introduced by Assembly Member Travis Allen**

February 26, 2015

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An act to amend Section 41780.01 of, and to add Section 41780.03 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 997, as introduced, Travis Allen. Recycling: plastic material.

Existing law requires the Department of Resources Recycling and Recovery to administer state programs to recycle solid waste, plastic trash bags, plastic packaging containers, waste tires, newsprint, and other specified materials.

The existing California Integrated Waste Management Act of 1989 requires each city, county, city and county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The element is required to divert 50% of the solid waste subject to the element, except as specified, through source reduction, recycling, and composting activities. The act also declares that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter.

This bill would restate the policy goal of the state to provide that the goal is for not less than 75% of solid waste generated to be source reduced, recycled, used for power generation in dedicated anaerobic digesters as well as in modern landfills capturing methane gas, or composted by the year 2020, and annually thereafter. The bill would also require the department to investigate emerging technologies that convert used plastic, textile, and fiber products into new plastic feedstock

and monomers, adopt regulations and protocols by January 1, 2017, that encourage waste-to-energy and waste-to-fuel pyrolysis projects that address the various types and grades of plastic, textile, and fiber products that are disposed of in landfills, and, beginning January 1, 2017, and each year thereafter, examine and report to the Legislature on possible incentives for locating in-state those businesses and organizations that practice state-of-the-art, cost-effective material separation and recovery techniques as well as those organizations that are now commercially developing the most cost-effective conversion of mixed plastic, textile, and fiber wastes to fuels.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares all of the  
2     following:

3     (a) California's goal of diverting not less than 75 percent of  
4     solid waste, including plastic products, from landfills has proven  
5     difficult to meet with current practices. In November of 2014, the  
6     California State Auditor reported, in regard to the beverage  
7     container recycling program alone, that in each of the last four  
8     fiscal years it operated at a deficit, and that the gap between  
9     expenditures and revenues exceeded \$100 million in three of those  
10    four fiscal years.

11    (b) California's goal of diverting not less than 75 percent of  
12    solid waste, including plastic products, from landfills does not take  
13    into account that landfills will continue for the foreseeable future  
14    to be the only disposal alternative for many plastic products.

15    (c) Existing law and current policies do not recognize new  
16    technologies that are available both to maximize the reusable  
17    lifespan of plastic products as well as to recover the latter's energy  
18    and fuel potential, and that are integral to meeting the state's  
19    diversion goals. These new technologies and changed policies  
20    could address several obstacles that the state currently faces  
21    primarily with regard to the recycling of plastic products, including,  
22    but not limited to, all of the following:

23    (1) The multicomponent construction of many plastic products  
24    such as plastic containers with integral caps and valves.

1 (2) The usage history of plastic products, such as nonhazardous  
2 used hospital coverings.

3 (3) Varying contamination levels of plastic products, such as  
4 food service wastes and plastic products used for floor cleaning.

5 (4) The diversity of plastic grades, or types of plastic, within  
6 each plastic material class.

7 (d) According to the federal Environmental Protection Agency,  
8 in 2011, 13.1 million tons of textiles ended up in landfills, an  
9 increase of 44 percent from 1999, while only 2 million tons were  
10 diverted from landfills. The low diversion percentage is largely  
11 due to the multicomponent nature of many textiles that are in the  
12 landfills. Further, 60 percent of textiles that end up in landfills are  
13 PET polyester, the same material from which plastic beverage  
14 containers are made.

15 (e) Existing law and current policies do not recognize the  
16 existence of a new process that converts mixed plastic, textile, and  
17 fiber wastes in a closed loop directly to high-grade gasoline,  
18 kerosene, and diesel fuel with zero gaseous, liquid, or solid  
19 emissions, or that this process also consumes currently stockpiled  
20 refinery wastes, or is already being commercially developed by a  
21 major global oil corporation that has expressed interest in locating  
22 several such facilities in California.

23 SEC. 2. Section 41780.01 of the Public Resources Code is  
24 amended to read:

25 41780.01. (a) The Legislature hereby declares that it is the  
26 policy goal of the state that not less than 75 percent of solid waste  
27 generated be source reduced, recycled, *used for power generation*  
28 *in dedicated anaerobic digesters as well as in modern landfills*  
29 *capturing methane gas*, or composted by the year 2020, and  
30 annually thereafter.

31 (b) Notwithstanding subdivision (a), the department shall not  
32 establish or enforce a diversion rate on a city or county that is  
33 greater than the 50 percent diversion rate established pursuant to  
34 Section 41780.

35 SEC. 3. Section 41780.03 is added to the Public Resources  
36 Code, to read:

37 41780.03. The department shall do all of the following:

38 (a) Investigate emerging technologies that convert used plastic,  
39 textile, and fiber products into useful feedstocks and monomers.

1 (b) Adopt regulations and protocols by January 1, 2017, that  
2 encourage the further development of waste-to-energy and  
3 waste-to-fuel pyrolysis projects that address the various types and  
4 grades of plastic, textile, and fiber products, that at the time of the  
5 adoption of the regulations and protocols, are disposed of in  
6 landfills.

7 (c) Beginning January 1, 2017, and each January 1 thereafter,  
8 examine and report to the Legislature on possible incentives for  
9 locating in-state, those businesses and organizations that practice  
10 state-of-the-art, cost-effective material separation and recovery  
11 techniques, as well as those organizations that are now  
12 commercially developing the most cost-effective conversion of  
13 mixed plastic, textile, and fiber wastes to fuels.

14 (d) (1) The requirement for submitting a report to the  
15 Legislature under subdivision (c) is inoperative on January 1, 2020,  
16 pursuant to Section 10231.5 of the Government Code.

17 (2) A report to be submitted pursuant to subdivision (c) shall  
18 be submitted in compliance with Section 9795 of the Government  
19 Code.